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UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

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ANNEX

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with this decision, the following note is submitted in respect of the year 1994.

I. APPOINTMENT OF MEMBERS OF THE TRIBUNAL BY THE GENERAL ASSEMBLY

2. At its 69th plenary meeting, on 3 December 1993, the General Assembly, on the recommendation of the Fifth Committee (see A/48/696), appointed Mr. Luis de Posadas Montero and Mr. Mayer Gabay as members of the United Nations Administrative Tribunal for a three-year term of office beginning on 1 January 1994.

II. COMPOSITION OF THE TRIBUNAL DURING 1994

3. In 1994, the Tribunal was composed of the following members:

Mr. Samar Sen, President
Mr. Jerome Ackerman, First Vice-President
Mr. Luis de Posadas Montero, Second Vice-President
Mr. Mikuin Leliel Balanda
Mr. Hubert Thierry
Mr. Francis Spain
Mr. Mayer Gabay

III. FORTY-FIFTH PLENARY SESSION

4. The Tribunal met in annual plenary session in New York on 11 November 1994, pursuant to article 5, paragraph 1, of its rules. All members, with the exception of Mr. Luis de Posadas Montero, were present.

IV. JUDGEMENTS DELIVERED DURING 1994

5. In 1994, the Tribunal held two sessions, one in Geneva from 20 June to 22 July, and one in New York from 10 October to 11 November. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 595: Khan

(Khan against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for revision of UNAT judgement affirming the decision to terminate his employment, on the grounds of procedural violations and new information not previously before the Tribunal)
Judgement AT/DEC/669

New York, 19 October to 4 November 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Gabay

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Case No. 635: Burtis

(Burtis against the Secretary-General of the United Nations)
(Claim for revision of Judgement No. 575 by former UN staff member on the grounds that the judgement characterized her claims inaccurately)
Judgement AT/DEC/672

New York, 19 October to 4 November 1994

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 637: Kremer
Case No. 642: Gourdon

(Kremer and Gourdon against the Secretary-General of the United Nations)
(Claim by former UN staff member and by a former JIU Inspector, both of French nationality, who, during their service with the UN in Geneva resided in the "zone franche", to payment of the same repatriation grant payable to French nationals who resided in Switzerland during their service)
Judgement AT/DEC/656

Geneva, 10 June 1993
New York, 20 October to 16 November 1993
Geneva, 22 June to 21 July 1994

Mr. Sen, President
Mr. Spain
Mr. Gabay

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Case No. 644: Rebizov

(Rebizov against the Secretary-General of the United Nations)
(Claim for reinstatement by former UN staff member on the grounds that the decision not to renew his contract as a Russian translator was due to improper influence by the Government of the USSR)
Judgement AT/DEC/686

New York, 12 October to 11 November 1994

Mr. Ackerman, presiding
Mr. Thierry
Mr. Spain

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Case No. 677: Manirakiza

(Manirakiza against the Secretary-General of the United Nations)
(Claim by UN staff member for reinstatement in his former position as Deputy Executive Secretary of ECA and for assignment to functions commensurate with his D-2 level)
Judgement AT/DEC/663

Geneva, 21 June to 22 July 1994

Mr. Ackerman, presiding
Mr. Balanda
Mr. Gabay

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Case No. 682: Fagan

(Fagan against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member that her permanent appointment was terminated on account of extraneous considerations, namely her staff union activities. Claim that the decision not to select her for the position for which she applied violated her rights)
Judgement AT/DEC/679

New York, 20 October to 16 November 1993
Geneva, 28 June to 21 July 1994
New York, 14 October to 9 November 1994

Mr. Posadas, presiding
Mr. Thierry
Mr. Spain

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Case No. 685: Horlacher

(Horlacher against the Secretary-General of the United Nations)
(Claim by former UN staff member, under General Assembly resolution 34/165, for reimbursement of the total tax paid on the 1/3 lump sum withdrawal benefit from the UNJSPF which reflects the full period of his service with the UN, and not only to the prorated portion, which is attributable to his service prior to 1980)
Judgement AT/DEC/634

Geneva, 23 June to 6 July 1994

Mr. Ackerman, presiding
Mr. Balanda
Mr. Gabay

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Case No. 687: Araim

(Araim against the Secretary-General of the United Nations)
(Claim by UN staff member that he was denied full and fair consideration for promotion to a D-1 post, and that his rights were violated by the temporary filling of that post by another candidate for approximately four months)
Judgement AT/DEC/657

Geneva, 21 June to 22 July 1994

Mr. Sen, President
Mr. Ackerman
Mr. Posadas

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Case No. 689: Su'oud

(Su'oud against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by UNRWA area staff member against the decision by the Commissioner General to demote him from Guard to Sanitation Labourer)
Judgement AT/DEC/652

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 690: Sa'adiyeh

(Sa'adiyeh against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by UNRWA area staff member whose appointment was terminated because of redundancy, against the decision by the Commissioner General not to pay him salary for the period between his separation and re-employment and against original decision to terminate his appointment)
Judgement AT/DEC/648

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 691: Hayek

(Hayek against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by UNRWA area staff member against the decision to transfer him and demote him from Welfare Worker to Clerk)
Judgement AT/DEC/653

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 692: Hourani

(Hourani against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by UNRWA area staff member against the decision by the Commissioner General to terminate his appointment for misconduct)
Judgement AT/DEC/654

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 693: Leung-Ki

(Leung-Ki against the Secretary-General of the United Nations)
(Claim by UNCTAD staff member that he should have been appointed Officer-in-Charge of a section in the UNCTAD Commodities Division and that a restructuring of that Division was not carried out in accordance with the rules and prejudiced his career)
Judgement AT/DEC/639

Geneva, 21 June to 13 July 1994

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 694: Chhatwal

(Chhatwal against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member that the decision not to extend his fixed-term appointment and to terminate him on medical grounds was in violation of the Staff Regulations and Rules)
Judgement AT/DEC/637

Geneva, 23 June to 8 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 695: Habash

(Habash against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by UNRWA area staff member for rescission of the decision by the Commissioner General to demote him from grade G-9 to grade G-6 and to reassign him to a different post)
Judgement AT/DEC/655

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Cases No. 696: Sow
No. 708: Kane
No. 723: Diatta
No. 724: Dienne
No. 725: Camara

(Sow, Kane, Diatta, Dienne and Camara against the Secretary-General of the United Nations)
(Appeal by former local IDEP staff members against the decision by the Secretary-General not to extend their fixed-term appointments)
Judgement AT/DEC/642

Geneva, 29 June to 14 July 1994

Mr. Ackerman, presiding
Mr. Spain
Mr. Gabay

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Case No. 697: Al-Atraqchi

(Al-Atraqchi against the Secretary-General of the United Nations)
(Claim by former UN staff member that he was denied full and fair consideration for appointment to the D-1 post of Special Assistant to the Under-Secretary-General for Political and Security Council Affairs, and that the appointment to that post of a Russian national violated General Assembly resolution 35/210, para. 5)
Judgement AT/DEC/659

Geneva, 22 June to 22 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 698: Pereyra

(Pereyra against the Secretary-General of the United Nations)
(Claim by former locally recruited UN staff member that she had an expectancy of continued employment and that she was entitled to a termination indemnity)
Judgement AT/DEC/647

Geneva, 27 June to 15 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 700: Shehadeh

(Shehadeh against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by former UNRWA area staff member against the decision to terminate his appointment in the interest of the Agency)
Judgement AT/DEC/649

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 701: Davidson

(Davidson against the UN Joint Staff Pension Board)
(Claim by participant in the UNJSPF for rescission of the decision by the Standing Committee of the Board to deny her a disability benefit under article 33(a) of the Pension Fund Regulations)
Judgement AT/DEC/635

Geneva, 23 June to 6 July 1994

Mr. Ackerman, presiding
Mr. Balanda
Mr. Gabay

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Case No. 702: Al-Atraqchi

(Al-Atraqchi against the Secretary-General of the United Nations)
(Claim by former UN staff member that he was denied full and fair consideration for appointment to the D-1 post of Chief, Office of the Under-Secretary-General, Department of International Economic and Social Affairs, and that the appointment of another staff member to that post was prearranged)
Judgement AT/DEC/660

Geneva, 22 June to 22 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 703: Bakr et al

(Bakr et al against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by former UNRWA area staff members against the decision by the Commissioner General not to reemploy them)
Judgement AT/DEC/650

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 704: Thabet

(Thabet against the Secretary-General of the United Nations)
(Claim by UN staff member that he had a legal expectancy to be appointed Chief, Personnel Section of ESCWA and that the decision not to appoint him was illegal under the VMS procedures and was vitiated by prejudice)
Judgement AT/DEC/644

Geneva, 29 June to 14 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Gabay

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Case No. 705: Fussimanya-Reyna

(Fussimanya-Reyna against the Secretary-General of the United Nations)
(Claim by UN General Service staff member that her post should be reclassified at the G-5 level, with retroactive effect from July 1982 and that she was, for almost 14 years, the victim of discrimination)
Judgement AT/DEC/645

Geneva, 23 June to 14 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Gabay

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Case No. 706: Al-Kishali

(Al-Kishali against the Secretary-General of the United Nations)
(Claim by former UN staff member that his fixed-term appointment as Deputy Executive Secretary of ESCWA should have been extended and that he had a legal expectancy of such renewal)
Judgement AT/DEC/643

Geneva, 29 June to 14 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Gabay

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Case No. 707: El-Said

(El-Said against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Appeal by UNRWA area staff member against the decision by the Commissioner General to terminate his appointment upon completion of a probationary period of service)
Judgement AT/DEC/651

Geneva, 27 June to 20 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 709: Treggi

(Treggi against the Secretary-General of the United Nations)
(Claim by former UN staff member for reimbursement of expenses incurred in connection with a trip to the former Soviet Union, allegedly authorized by his Director. Claim that the decision of the Director to cancel the trip was based on personal reasons, contrary to the interests of the Organization)
Judgement AT/DEC/638

Geneva, 30 June to 13 July 1994

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 710: Treggi

(Treggi against the Secretary-General of the United Nations)
(Claim by former UN staff member for reimbursement of expenses for the unaccompanied shipment of his personal effects in connection with his home leave travel)
Judgement AT/DEC/664

Geneva, 30 June to 22 July 1994

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 711: Coulibaly-Sy

(Coulibaly-Sy against the Secretary-General of the United Nations)
(Appeal by former UNICEF staff member against the decision by the Secretary-General to dismiss him for misconduct)
Judgement AT/DEC/668

Geneva, 1 July 1994
New York, 20 October to 4 November 1994

Mr. Posadas, presiding
Mr. Balanda
Mr. Thierry

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Case No. 712: Potookian

(Potookian against the Secretary-General of the United Nations)
(Claim by former UN staff member that his promotion to the G-5 level should be retroactively to March 1987, as recommended by the JAB, or to the date of his reassignment to his former post in the Dag Hammarskjöld Library)
Judgement AT/DEC/662

Geneva, 1 to 22 July 1994

Mr. Ackerman, presiding
Mr. Balanda
Mr. Thierry

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Case No. 713: Noll-Wagenfeld (Noll-Wagenfeld against the Secretary-General of the United Nations)
(Claim by UN staff member that her promotion to the P-5 level should be implemented with retroactive effect from 1 April 1987. Claim that the decision to implement the promotion with effect from 1 April 1992 is punitive)
Judgement AT/DEC/636

Geneva, 30 June to 8 July 1994

Mr. Ackerman, presiding
Mr. Spain
Mr. Gabay

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Case No. 714: Farid (Farid against the Secretary-General of the United Nations)
(Appeal by former UNHCR staff member against decision to dismiss him for misconduct)
Judgement AT/DEC/641

Geneva, 24 June to 13 July 1994

Mr. Sen, President
Mr. Spain
Mr. Gabay

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Case No. 715: Lukas (Lukas against the Secretary-General of the United Nations)
(Claim by UN staff member that the Administration failed to implement UNAT Judgement No. 544 that she be given priority consideration for a P-4 post)
Judgement AT/DEC/678

New York, 19 October to 9 November 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 716: Vorobiev

(Vorobiev against the Secretary-General of the United Nations)
(Claim by former UN staff member, national of the former USSR, that he had a legal expectancy of the extension of his appointment, that his separation arose as a result of improper intervention by his Government, and that he should be reinstated)
Judgement AT/DEC/666

Geneva, 30 June to 20 July 1994
New York, 12 October to 4 November 1994

Mr. Ackerman, presiding
Mr. Thierry
Mr. Spain

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Cases No. 717: Gonzalez de German
No. 718: Marais
No. 719: Purcell
No. 720: Couderc

(Gonzalez de German, Marais, Purcell and Couderc against the UN Joint Staff Pension Fund)
(Claim by UNESCO staff members that the calculation of gross salary for pension benefits, using 95.5% of net salary as a basis, does not constitute gross salary under Pension Fund Regulation 54(a))
Judgement AT/DEC/665

New York, 11 October to 4 November 1994

Mr. Ackerman, presiding
Mr. Thierry
Mr. Gabay

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Case No. 721: Al-Atraqchi

(Al-Atraqchi against the Secretary-General of the United Nations)
(Claim by former UN staff member that his rights were violated by the lateral transfer of a staff member of former USSR nationality to the D-1 post of Deputy Director, Security Council and Political Affairs, Committees Division, for which his candidacy was not given the fullest consideration)
Judgement AT/DEC/661

Geneva, 22 June to 22 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 722: Loguinov

(Loguinov against the Secretary-General of the United Nations)
(Claim by UN staff member that conditions of his secondment from the Government of the former USSR rendered him unable to exercise Pension Fund restoration rights and justify a waiver of applicable time limits)
Judgement AT/DEC/685

New York, 13 October to 11 November 1994

Mr. Sen, President
Mr. Thierry
Mr. Gabay

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Case No. 726: Soltes

(Soltes against the Secretary-General of the United Nations)
(Claim by former UN staff member for payment of his repatriation grant in a convertible currency)
Judgement AT/DEC/646

Geneva, 27 June to 15 July 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 727: Araim

(Araim against the Secretary-General of the United Nations)
(Claim by UN staff member that the extension of the employment of an outside candidate was in violation of his rights. Claim that he did not receive full and fair consideration as recommended by the Administrative Tribunal in Judgement No. 533)
Judgement AT/DEC/658

Geneva, 21 June to 22 July 1994

Mr. Sen, President
Mr. Ackerman
Mr. Posadas

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Case No. 728: Mourad

(Mourad against the Secretary-General of the United Nations)
(Claim by former ESCWA staff member that the decision to terminate his fixed-term appointment, six months prior to its expiration date, by the improper amendment of a Personnel Action form, was arbitrary)
Judgement AT/DEC/640

Geneva, 24 June to 13 July 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 729: Abdalla et al

(Abdalla et al against the Secretary-General of the United Nations)
(Claim by ESCWA General Service internationally recruited staff relocated from Baghdad to Amman that the decision to adjust their salaries to GS salary scales in Jordan was an abuse of discretion)
Judgement AT/DEC/670

New York, 12 October to 4 November 1994

Mr. Sen, President
Mr. Ackerman
Mr. Balanda

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Case No. 730: Hossain

(Hossain against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member that the termination of his employment on grounds of misconduct was based on improper investigation and falsified information)
Judgement AT/DEC/673

New York, 12 October to 4 November 1994

Mr. Sen, President
Mr. Spain
Mr. Gabay

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Case No. 731: Grinblat

(Grinblat against the Secretary-General of the United Nations)
(Claim by UN staff member that the failure of the Appointment and Promotion Board to include his name on the short-list for promotion to a P-5 post constituted sex discrimination)
Judgement AT/DEC/671

New York, 11 October to 4 November 1994

Mr. Sen, President
Mr. Ackerman
Mr. Spain

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Case No. 734: Gulati

(Gulati against the Secretary-General of the United Nations)
(Claim by UNICEF staff member challenging the decision not to promote him and to give the post he had sought to a candidate whose post had been abolished in a reorganization and who ranked lower on the list of the Appointment and Promotion Board recommendations)
Judgement AT/DEC/680

New York, 17 October to 9 November 1994

Mr. Posadas, presiding
Mr. Balanda
Mr. Gabay

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Case No. 736: Al-Atraqchi

(Al-Atraqchi against the Secretary-General of the United Nations)
(Request by UN staff member for an interpretation of Judgement No. 538, with respect to the propriety of measures taken by the Respondent to conduct an investigation)
Judgement AT/DEC/676

New York, 20 October to 4 November 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 737: Cure

(Cure against the Secretary-General of the United Nations)
(Claim by UN staff member appealing disciplinary sanctions imposed on him for violation of ECLAC rules on import of goods)
Judgement AT/DEC/687

New York, 18 October to 11 November 1994

Mr. Sen, President
Mr. Balanda
Mr. Gabay

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Case No. 739: Abdul Rahim

(Abdul Rahim against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA teacher who resigned and subsequently applied for reinstatement that she was not given the priority consideration to which she was entitled under UNRWA rules)
Judgement AT/DEC/684

New York, 21 October to 11 November 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 740: Essaied

(Essaied against the Secretary-General of the United Nations)
(Claim by UNHCR staff member that failure to recommend him for promotion was due to personal prejudice by his supervisor and to the failure to evaluate his performance for nine years. Claim that his termination agreement was involuntary and hence null and void)
Judgement AT/DEC/667

New York, 13 October to 4 November 1994

Mr. Sen, President
Mr. Balanda
Mr. Thierry

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Case No. 742: Maqari

(Maqari against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member that her termination of employment for misconduct violated her right to due process)
Judgement AT/DEC/681

New York, 21 October to 11 November

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 744: Daure

(Daure against the Secretary-General of the United Nations)
(Claim by UN staff member that he was not given full and fair consideration for a post for which he had applied and which was filled by lateral transfer after suspension of the recruitment process)
Judgement AT/DEC/677

New York, 19 October to 9 November 1994

Mr. Ackerman, presiding
Mr. Posadas
Mr. Balanda

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Case No. 747: Khalil

(Khalil against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member that termination of his employment for misconduct violated his right to due process)
Judgement AT/DEC/683

New York, 21 October to 11 November 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 750: Araim

(Araim against the Secretary-General of the United Nations)
(Claim by UN staff member that the decision not to appoint him to a D-1 post and the restructuring of the post were motivated by prejudice)
Judgement AT/DEC/675

New York, 20 October to 4 November 1994

Mr. Sen, President
Mr. Ackerman
Mr. Posadas

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Case No. 751: Dabit

(Dabit against the Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by former UNRWA staff member appealing the termination of his employment on grounds of unsatisfactory performance)
Judgement AT/DEC/682

New York, 21 October to 11 November 1994

Mr. Sen, President
Mr. Thierry
Mr. Spain

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Case No. 752: Gonda

(Gonda against the Secretary-General for the United Nations)
(Claim by former UN staff member that his contractual employment rights were violated by his separation on grounds of misconduct)
Judgement AT/DEC/674

New York, 13 October to 4 November 1994

Mr. Ackerman, presiding
Mr. Balanda
Mr. Gabay

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Copies of the judgements will be available at Documents Distribution.

V. SCHEDULE FOR 1994 SESSIONS

6. Taking into consideration the number of cases already submitted to it, the Tribunal decided that the first ordinary session, referred to in article 6, paragraph 2, of its rules, would be held in Geneva beginning 26 June 1995, and that its second session would be held at Headquarters during the last quarter of 1995, pursuant to articles 5.1 and 6.2 of its rules.